



SECTOR 413 \$
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Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

37

Application Number

09/688,077

Filing Date

October 13, 2000

Inventor(s)

Hirokazu SUGIHARA et al.

Group Art Unit

1744

Examiner Name

To Be Assigned

Attorney Docket No.

369212000131

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form - 1 page

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declarations

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Response to Missing Parts/
Omitted Item(s) of Application - 2
pages

☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☒ Petition - 2 pages

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify
below):

1. Copy of Utility Patent Application
Transmittal - 2 pages
2. Copy of U.S. Patent No. 5,563,067 -
20 pages
3. Copy of Reissue Declaration - 3 pages
4. Copy of Preliminary Amendment - 5
pages
5. Copy of Return Postcard - 1 page
6. Return postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018

or

Individual Name

Johney U. Han (Registration No. 45,565)

Signature

Johney U. Han

Date

January 8, 2001

The Assistant Commission is hereby authorized to charge any additional fees that may be required under 37 CFR §§1.16 and 1.17 to deposit account number 03-1952 referencing docket number 435712001100.

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

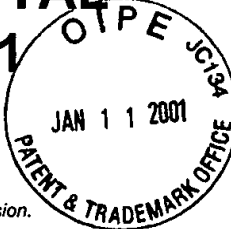
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 8, 2001.

Laura Shires
Laura Shires

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

pa-553400

FEE TRANSMITTAL FOR FY 2001



Patent fees are subject to annual revision.

Complete if Known

| | |
|---------------------|--------------------------|
| Application Number | 09/688,077 |
| Filing Date | October 13, 2000 |
| Inventor(s) | Hirokazu SUGIHARA et al. |
| Examiner Name | To Be Assigned |
| Group Art Unit | 1744 |
| Attorney Docket No. | 369212000131 |

TOTAL AMOUNT OF PAYMENT

(\$) 130.00

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 03-1952
Deposit Account Name: Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES

| Total Claims | - 20** = | Extra Claims | Fee from below | Fee Paid |
|--------------------|----------|--------------|----------------|----------|
| Independent Claims | - 3** = | * | x | \$ |
| Multiple Dependent | | * | x | \$ |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|---|----------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 | |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 | |
| 104 | 270 | 204 | 135 | Multiple dependent claims, if not paid | |
| 109 | 80 | 209 | 40 | **Reissue independent claims over original patent | |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$) 0

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions of the Commissioner | 130 |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 240 | 126 | 240 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per properties (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130

SUBMITTED BY

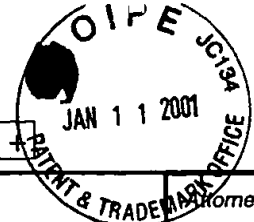
Complete (if applicable)

| | | | | | |
|-------------------|---------------|-----------------------------------|-----------------|-----------|----------------|
| Name (Print/Type) | Johney U. Han | Registration No. (Attorney/Agent) | 45,565 | Telephone | (650) 813-5768 |
| Signature | | Date | January 8, 2001 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Please type a plus sign (+) inside this box →

PTO/SB/05 (12/97) (modified)
Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

| | | | | |
|---|--|---------------|-------------|----|
| UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i> | Attorney Docket No. | 369212000131 | Total Pages | 30 |
| | First Named Inventor or Application Identifier | | | |
| | Hirokazu SUGIHARA et al. | | | |
| Express Mail Label No. | | EL569176734US | | |

COPY

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL569176734US Date of Deposit: October 13, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Gary Paulatzo

| APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents. | ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231 | | | | | | | | | | | | | | | | | | | | |
|---|---|--------------------------------|--|---|--|--|--|---|--|--|--|---|--|--|--|--|---|--|--|------------------------------|--|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i> Specification [Total Pages <input type="text" value="8"/>] (preferred arrangement set forth below) - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Reference to Microfiche Appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets <input type="text" value="12"/>] 4. <input checked="" type="checkbox"/> Oath or Declaration [Total Pages <input type="text" value="3"/>] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d) <i>(for continuation/divisional with Box 17 completed)</i> <i>[Note Box 5 below]</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b) 5. <input checked="" type="checkbox"/> Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein. | 6. <input type="checkbox"/> Microfiche Computer Program (Appendix) 7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies <table border="1"> <tr> <th align="center" colspan="2">ACCOMPANYING APPLICATION PARTS</th> </tr> <tr> <td>8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</td> <td></td> </tr> <tr> <td>9. <input type="checkbox"/> 37 CFR 3.73(b) Statement</td> <td><input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i></td> </tr> <tr> <td>10. <input type="checkbox"/> English Translation Document (if applicable)</td> <td></td> </tr> <tr> <td>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449</td> <td><input type="checkbox"/> Copies of IDS Citations</td> </tr> <tr> <td>12. <input checked="" type="checkbox"/> Preliminary Amendment - 5 pages</td> <td></td> </tr> <tr> <td>13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i></td> <td></td> </tr> <tr> <td>14. <input type="checkbox"/> Small Entity Statement(s)</td> <td><input type="checkbox"/> Statement filed in prior application, Status still proper and desired</td> </tr> <tr> <td>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</td> <td></td> </tr> <tr> <td>16. <input type="checkbox"/></td> <td></td> </tr> </table> | ACCOMPANYING APPLICATION PARTS | | 8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) | | 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement | <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i> | 10. <input type="checkbox"/> English Translation Document (if applicable) | | 11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 | <input type="checkbox"/> Copies of IDS Citations | 12. <input checked="" type="checkbox"/> Preliminary Amendment - 5 pages | | 13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> | | 14. <input type="checkbox"/> Small Entity Statement(s) | <input type="checkbox"/> Statement filed in prior application, Status still proper and desired | 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) | | 16. <input type="checkbox"/> | |
| ACCOMPANYING APPLICATION PARTS | | | | | | | | | | | | | | | | | | | | | |
| 8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) | | | | | | | | | | | | | | | | | | | | | |
| 9. <input type="checkbox"/> 37 CFR 3.73(b) Statement | <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i> | | | | | | | | | | | | | | | | | | | | |
| 10. <input type="checkbox"/> English Translation Document (if applicable) | | | | | | | | | | | | | | | | | | | | | |
| 11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 | <input type="checkbox"/> Copies of IDS Citations | | | | | | | | | | | | | | | | | | | | |
| 12. <input checked="" type="checkbox"/> Preliminary Amendment - 5 pages | | | | | | | | | | | | | | | | | | | | | |
| 13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> | | | | | | | | | | | | | | | | | | | | | |
| 14. <input type="checkbox"/> Small Entity Statement(s) | <input type="checkbox"/> Statement filed in prior application, Status still proper and desired | | | | | | | | | | | | | | | | | | | | |
| 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) | | | | | | | | | | | | | | | | | | | | | |
| 16. <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | |

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior reissue application No: 09/169,188 filed October 8, 1998.

18. CORRESPONDENCE ADDRESS

E. Thomas Wheelock
Registration No. 28,825

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5905
Facsimile: (650) 494-0792

- ☒ If a paper is untimely filed in the above-referenced application by applicant or his/her representative, the Assistant Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Assistant Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to **Deposit Account No. 03-1952**. However, the Assistant Commissioner is **NOT** authorized to charge the cost of the issue fee to the Deposit Account.

The filing fee has been calculated as follows:

| FOR | NUMBER FILED | NUMBER EXTRA | RATE | CALCULATIONS |
|---|--------------|--------------|------------|--------------|
| TOTAL CLAIMS | 10 - 20 = | 0 | x \$18.00 | \$0.00 |
| INDEPENDENT CLAIMS | 1 - 3 = | 0 | x \$80.00 | \$0.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$270.00 | \$0.00 |
| | | | BASIC FEE | \$710.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$710.00 |
| Reduction by 1/2 for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28). If applicable, verified statement must be attached. | | | | \$0.00 |
| Assignment Recording Fee (if enclosed) | | | | \$0.00 |
| | | | TOTAL = | \$710.00 |

COPY

- ☒ A check in the amount of \$710.00 is attached.
- ☐ Charge \$710.00 to **Deposit Account No. 03-1952** referencing docket no. 369212000131.

Applicant(s) hereby petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees or to credit any overpayment to **Deposit Account No. 03-1952** referencing docket no. 369212000131.

Dated: October 13, 2000

Respectfully submitted,

By: E. Thomas Wheelock
E. Thomas Wheelock
Registration No. 28,825

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5905
Facsimile: (650) 494-0792

3



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/688,077 | 10/13/2000 | Hirokazu Sugihara | 369212000131 |

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018

FORMALITIES LETTER



OC000000005577307

Date Mailed: 11/27/2000

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 8 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

01/12/2001 09:00:00 09000000 09000000

01/12/2001 09:00:00

A copy of this notice MUST be returned with the reply.

W. Newton

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE